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PART III.

Legislative Measures and Rules thereunder.

No. Fl. 3124—*S. R.* 166-05-4, *dated* 31*st October*—3*rd November* 1906.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, V of 1901, and of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore hereby make the following amendment in the Arrack Rules published under Notification No. 11387—Ex. Fl. 3-01, dated the 8th January 1902, as amended by Notification No. Fl. 541A – S. R. 6-02, dated the 27th July 1904:—

1. In Appendix D, "License for retail sale of arrack" in condition 4, line 2, between the words "of" and "arrack," add the word "molasses," and in line 3 between the words "of" and "arrack" insert the words "Jaggory arrack of the strength of 20° under-proof and molasses," and in condition 34 in the last line between the words "than" and "arrack" add the word "molasses."

2. The following shall be the form of the License for retail sale exclusively of Jaggory arrack.

APPENDIX D. 1.

LICENSE FOR RETAIL SALE OF JAGGORY ARRACK.

Retail Jaggory Arrack License to Independent Separate Shop or Group of Shops.

Register No.

Name of License-holder

Names of Vendors and Shopmen

Locality

I,..... Deputy Commissioner,..... .....District, do hereby grant a license for the Retail Vend of Jaggory Arrack manufactured in the Mysore State, to..... ..... at .... in the..... .....on the following conditions:—

1. The amount for which the privilege has been purchased shall, if it exceeds Rs. 12 per annum, be payable into the local Taluk Treasury in equal monthly instalments commencing from July 190 . But where it does not exceed Rs. 12 per annum, it shall be paid in not more than three equal quarterly instalments. Each instalment shall be regarded as the rent for the

month or quarter in respect of which it is payable. The licensee is not required to make any additional payment on account of local cess. Each month's or quarter's rent shall be payable on or before the 20th of the same month, or before the end of the quarter for which the instalment is due. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, suspend, or declare by record in writing that the license is forfeited, and proceed to re-sell or otherwise dispose of the shop or group of shops as soon after the last day of the month or quarter as may be possible with effect from the date of issue of license to the new purchaser or from the date of other disposal. The officer who has power to suspend license may, however, at his discretion, allow sales to continue pending re-sale or other disposal of the privilege.

NOTE.—The licensee of a Jatra shop shall pay the rent thereof in full before the Jatra begins.

2. The deposit made by the licensee shall be taken as security for the due performance of the conditions of the license and if not forfeited, credited or otherwise disposed of, shall be credited in payment of the instalments due in the last two months of the period of the lease. Provided, however, that where the shop or group of shops is re-sold or otherwise disposed of, the deposit shall, at the discretion of the Deputy Commissioner, be either forfeited or be appropriated towards the arrears due by the defaulter as well as towards the deficits, if any, arising from the re-sale or other disposal of the shop or group of shops. The balance of such arrears and deficits, if any, shall be recoverable from the licensee under the rules in force or the recovery of arrears of land revenue. No remission or abatement of the rent or compensation shall, on any account whatever, be claimable by the licensee.

3. Interest at 6 per cent per annum shall be recoverable on all arrears from the date of default, and on deficits from the date of re-sale.

4. The privilege conferred by the license extends only to the sale of Jaggory arrack ordinarily of the strength of 20° under-proof and with the special permission of the Deputy Commissioner or other officer authorized by him, to the sale of Jaggory arrack of 30° under-proof. In places where there are no shops for the vend of foreign liquors or where the foreign liquor shop-keepers do not undertake to sell double-distilled or rectified country spirits and special liquors such as Brandy, Whisky, Gin, etc., of such strength as may be fixed by the Excise Commissioner, manufactured at the Government Central Distillery, Bangalore, the holder of Jaggory arrack shop license of approved character may, with the sanction of the Excise Commissioner, be permitted to sell the same in duly corked sealed bottles not to be drunk on the premises, at such prices, as may be fixed by the Excise Commissioner.

5. The lease shall not be transferable by sale, gift or otherwise or be sub-rented except with the permission of the Excise Commissioner, nor if the Deputy Commissioner so orders may any agent be appointed for the management of any privilege without his previous approval. All engagements entered into by the Agent shall be deposited with the Deputy Commissioner within one month from the date of execution.

6. The resignation of shop or group of shops will be summarily rejected by the Deputy Commissioner.

7. The manufacturers of arrack or double-distilled or rectified country spirits or other special liquors as well as the licensees of arrack Bonded Depots are prohibited from holding any interest in the retail vend of the abovementioned spirits or from employing any person who has such interest.

8. The sale or transport of Jaggory arrack by persons suffering from leprosy or any contagious disease and the employment of such persons in the shop are prohibited.

9. The license-holder shall purchase from the Bonded Depots established Jaggory arrack in duly corked sealed bottles at Rs. 1-6-6, and also special liquors referred to above, at such prices as may be fixed by the manufacturers.

10. The licensee shall sell to the public Jaggory arrack of 20° under-proof at Rs. 1-3-10 per reputed quart bottle and at proportionate rates for lower strengths.

11. The licensee of every shop in the Cities of Bangalore and Mysore shall pay a registration fee under the Municipal Regulations at the rate of Rs. (180) one hundred and eighty per annum in advance for the period of the license for his shop, and he shall pay a surcharge of (4) four annas per gallon on all arrack sold by him in excess of 55 gallons a month in each such shop.

12. The above rates to be charged for Jaggory arrack, double distilled or rectified country spirits or other special liquors by the manufacturers and the above fees are in addition to excise duty, which shall be prepaid at the prescribed rate of Rs. 4-12-0 (including local cess) per gallon of 20° under-proof and proportionately for higher or lower strengths, before the removal of the liquor from a Bonded Depôt established under the sanction of Government.

13. The licensee shall pay the above duty and price into a Taluk Treasury or to a special shroff, if any, appointed on this behalf at the cost of Government, and located at the Taluk Cutcherry to receive such duty and price *daily* including Sundays and holidays or to such other officer as may be appointed by the Deputy Commissioner, and shall obtain a receipt in the prescribed printed form. On production of such receipt, and an indent for the supply of the liquor covered by the receipt, the Bonded Depôt-keeper shall issue the quantity of liquor equal to the amount of duty and price shown in the said receipt which will be forwarded to

the Excise Commissioner's office under the endorsement of the Bonded Depôt-keeper aforesaid, as to the date and hour when the liquor was issued. The Depôt-keeper aforesaid shall issue a pass in the prescribed form for the transport of liquor from the Bonded Depôt. He shall also issue sample bottles with the consignments in such manner as may be ordered by the Excise Commissioner.

14. The licensee shall be bound to take over any liquor which may remain as stock in hand belonging to the out-going licensee on 1st July 190 , in the shop, paying him such compensation for the same as may be fixed by the Excise Commissioner.

15. The licensee shall possess or use on any licensed premises only such standard measure as may, from time to time, be prescribed by the Excise Commissioner. The officers authorized to inspect licensed shops are empowered to enter and examine the premises, to test the measures in use and the liquor under sale and to call for and check the accounts kept in the shops.

16. The licensee shall be bound by the provisions of the Excise Laws and Rules in force and by any additional rules which may, from time to time, be prescribed under the Excise Laws, and if so required, deliver up his license for amendment or issue of a fresh one.

17. The Deputy Commissioner may, whenever he thinks fit, direct shops to be closed, or permit transfer of shops from one place to another, provided the distance is not more than 200 yards, or direct new shops to be opened with the previous sanction of the Excise Commissioner.

18. Persons who purchase group of shops may, with the special permission of the Excise Commissioner, who is at liberty to refuse it, and under a license by a competent authority open a depôt and remove thereto liquor purchased from the Bonded Depôt and issue therefrom the requisite supply to their shops.

19. The licensee of shop or group of shops shall not during the term of the license, have any interest in the exclusive privilege of vending molasses arrack or toddy within five miles from it, nor permit any person having interest in the exclusive privilege of vending molasses arrack or toddy within the said area, to hold any share or interest in his exclusive privilege of selling Jaggory arrack; nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any arrack farm in any districts of the Madras or Bombay Presidency under the British Government or any other Foreign State or Territory, or Civil and Military Station, Bangalore.

20. An Inspection note book with the pages numbered consecutively for inspecting officers to enter their remarks shall be maintained and be handed over to the Excise Inspector in charge of the Range or any officer authorized by him to receive it on a receipt being given therefor.

21. If the licensee shall be convicted on prosecution before a Magistrate of any offence against the Excise Regulation, or Opium Act or other law for the time being in force, which in the Deputy Commissioner's opinion renders him unfit to hold the license, it shall be lawful for the Deputy Commissioner to declare his license forfeited and sell or otherwise dispose of the privilege at the risk of the licensee.

22. All sums payable by the licensee may be deducted from the amount of his deposit or recovered by attachment and sale of the property of the licensee or his surety, under any law for the time being in force for the recovery of arrears of land revenue.

23. The license-holder or vendor or vendors shall not sell nor give any Jaggory arrack exceeding one reputed quart to any individual to convey out of any licensed shops or premises without a valid permit.

24. The shop-keepers shall not sell or give any Jaggory arrack to any European non-commissioned officer, private soldier, or to any European or Eurasian camp followers or to any member of the families of any of the aforesaid persons, without the permission in writing of the Commanding Officer or of some person duly authorized by him in that behalf; nor to any European sailor, nor to any sepoy, member of the Police force or Excise staff or servant of a Railway Company, whilst on duty; nor to any European vagrant under escort of Police; nor to any child under 14 years of age; nor to any insane person for consumption on the premises; nor shall they sell any Jaggory arrack on credit.

25. They (license-holder or vendor or vendors) shall not receive any article whatsoever in barter or pledge. Payment for Jaggory arrack shall be received by them in ready money only, and they shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate of Police Officer. They shall have no pecuniary dealings with any Excise Officer.

26. The Jaggory arrack kept in his shop offered for sale and sold, shall be unadulterated and undiluted; and it shall be of the same quality and strength as issued from the Bonded Depot. It will be sold in corked sealed bottles as received from the Bonded Depôt.

27. No consignments of Jaggory arrack received at the shop, and which have been transported through British Territory, shall be opened before they have been verified by authorized officers.

* * *

28. No water or other beverage, or liquor other than Jaggory arrack of any quantity whatever shall be kept or sold in the shop in which Jaggory arrack is sold, or on the person or in possession of the license-holder or vendor or any of his employees in the shop. No ingredients noxious to health shall be added to it either to increase its intoxicating power or for any other purpose. All officers authorized to inspect shops and depots are empowered to detain any liquor found unfit for consumption or use and the Excise Commissioner all Deputy Commissioners, Deputy Excise Commissioner and Excise Assistant Commissioners are authorized to destroy such.

29. No robbers or thieves or disorderly or riotous persons or prostitutes or soldiers or others known or believed to be deserters shall be harboured in the shop, and gaming, disorderly conduct, etc., therein shall be prevented, and information of their resort shall be given to the Magistrate or Police Officer. No person shall be harboured during night in any shop.

30. The license-holder shall fix in a conspicuous place outside of his shop a board on which shall be legibly printed in local vernacular his name and the number of his license and the articles he is licensed to deal in and the current rate of sale; the license must be hung up in a conspicuous place within.

31. True account of receipts and issues of liquor shall be maintained from day to day in ink in the prescribed form. The accounts and permits shall be in printed books which may be obtained from local Excise Officers on payment of cost price. Permits for liquor received and the counterfoils of permits issued must be carefully filed. The signing of blank permits for subsequent issue is prohibited. The accounts and counterfoils of permits shall be preserved and delivered to the local Excise Officer immediately after the close of the lease. They shall be produced when asked for by the Deputy Commissioner or any Officer appointed by him or by an Excise Officer not below the rank of Excise Assistant Inspector. The licensee shall be bound to furnish such returns and information as may, from time to time, be required by the Deputy Commissioner or Excise Officer not below the rank of Excise Assistant Inspector.

32. The amount of fees payable for the shops under Condition 11 above, shall, in the Towns of Bangalore and Mysore, be paid to the Officers appointed by the President, Municipal Commission, to receive the same.

33. The following stock or such stock as the Excise Divisional Officer, may consider sufficient to meet local requirements shall always remain on hand and not be trenched upon:—

	Jaggory arrack	Remarks
I. At all District Head-quarters ...	2 Gallons	
II. At all Taluk and Depot Kasbas ...	1 Gallon	
III. Village shops within five miles from Depot	½ Gallon	
IV. Village shops more than five miles distant from Depot	Stock equal to one day's sale for every ten miles from Depot and not less than the stock fixed for shops within five miles of the Depot.	

The shop shall be kept open during the authorized hours unless its temporary or permanent closure is authorized by the Deputy Commissioner.

34 The shop shall be closed by *9 P.M. and not be opened before sunrise except on special permit in cases of festivals, etc. The Deputy Commissioner or Assistant Commissioner in charge of the taluk may direct that all shops for the sale of Jaggory arrack on or adjacent to the line of march shall be closed whilst a detachment of European or Native soldiers is passing or encamped in the vicinity. The Government reserves the power to terminate the lease on public grounds on giving the licensee fifteen days' notice and awarding a reasonable compensation to the licensee. The licensee will have no claim to compensation or remission on account of any arrangements which may be made by Government in regard to Country Beer or other description of liquor than Jaggory arrack.

35. The sales should be conducted in a suitable building which shall have only one door, and no windows shall be allowed to the rear or ends of the building. The bar where the liquor is sold shall be opposite the entrance door and so situated that all persons inside can be seen by any one passing to and fro in the street, and no second room shall be allowed to or be kept open for customers.

36. The right is reserved to the Deputy Commissioner to grant occasional licenses for the sale of liquor on the occurrence of fairs, festivals, etc., in places in the vicinity of which there are no regularly licensed shops. Such licenses shall ordinarily be granted to the shop-keepers who usually supply the locality. Their period shall not exceed fifteen days and the fee to be paid therefor shall be fixed at the Deputy Commissioner's discretion unless he decides to sell the same by public auction.

*9-30 P.M. in the Bangalore City.

37. If it comes to the licensee's knowledge that any person employed by him in the carriage or sale of Jaggory arrack, commits any breach of the Excise Laws or of the engagements entered into by him, it shall be his duty to report the matter to the Deputy Commissioner, and comply with the directions of the Deputy Commissioner respecting the continued employment of such person.

38. No person who has been convicted of a heinous offence under the Indian Penal Code shall be employed in the carriage or sale of liquor without the Deputy Commissioner's previous permission.

39. In case of any breach of the above conditions either by the licensee or, with his connivance and privity, by any person in his employment, or in the event of the licensee neglecting to open his shop, or to carry on the business of his shop with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding Rs. 50, for every such breach or for such neglect, or, at the option of the Deputy Commissioner, to declare the money deposited with him forfeited and to cancel the license and re-sell the shop or to otherwise dispose of it at the risk of the licensee, or to place the shop under the management of Government; and all loss thereby caused, together with all losses accruing to Government in consequence of the licensee's neglect to carry on his business with due care and attention and by opening his shop on 1st July 190 , shall be made good by him. When a shop is cancelled, the rent for the whole period of the shop shall become due at once. All such amounts of penalties and losses shall be recovered in the same manner as if they were arrears of land revenue.

40. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding para, shall not be held to prevent the prosecution of the licensee or his agents or employees for any offence punishable under the Excise Laws or other law for the time being in force.

Note.—For continuing breaches of a license, continuing fines may be imposed.

41. This license shall continue in force till the..... .....190 , and no longer.

Dated

Schedule showing the boundaries of the shop.

Street and Door No. or other particulars	Bounded on the—				Remarks
	North by	East by	South by	West by	

Received from..... the sum of Rupees (180) one hundred and eighty only on account of Registration fee for opening the shop in accordance with above license from..... .....to ....190 .

President, Municipal Commission,
Town of

Registered as No..... .....in the Police office.

Dated

Dt Supt. of Police.

Impress Stamp

Deputy Commissioner,
District.

COUNTERPART ENGAGEMENT.

We, the undersigned, the abovenamed license-holder and vender, or vendors, for ourselves and our heirs, legal representatives and assigns, hereby agree to all the terms and conditions written, printed and expressed in the above license. I, the undersigned license-holder, bind myself and my property specified in the margin hereof of the due fulfilment of the terms of my contract.

Signed, sealed and delivered in our presence, at the..... Amildar's Cutcherry, this..... .....day of.. 190

Witnesses—

1

2

3

License-holder and Vendor.